

REMARKS

Claims 17-21 have been amended. As amended the claims are believed to be in compliance with 35 U.S.C. 112 and are also patentable under 35 U.S.C. 103(a) over United States Patent No. 4,897,084 (Ternstrom et al.). No new matter has been introduced by the claims. The amended claims find support in the drawings and related disclosures in the specification as follows:

<u>Claim</u>	<u>Drawings</u>
17	Figures 1 – 4
21	Figure 25
25	Figure 20
26	Figures 1- 4, 8, 14

The Ternstrom et al. patent discloses an absorbent article which utilizes elastics to shape the article. As mentioned in column 3, lines 18-23:

As a result of the inventive structurizing of the elastics, i.e., the positioning of the elastic element or elements included therein, the absorbent pad is acted upon in a manner to form one or more liquid take-up "basins or pockets".

The basins or pockets in this reference are not formed in the same manner as in the present invention. As stated in column 3, lines 7-10:

. . . the elastic element or elements forming part of the elastics is, or are, attached to the inside of the liquid-permeable layer [top sheet] with parts of said element or elements bridging the absorbent pad . . . (Emphasis supplied).

Furthermore, in column 4, lines 12- 18, this reference discloses that:

The threads 4 [i.e., elastic elements] are attached under tension to the inner surface of the liquid-permeable layer 3 [top sheet], with the article held in a flat shape. When the tension is removed from the pre-stretched elastic threads or like elements during manufacture of the article, the article is imparted the cup or basin like shape illustrated in Fig. 1. (Emphasis supplied).

In contrast to the pocket structure of the absorbent article disclosed in Ternstrom et al., the claims in the present application call for a separate layer on top of the top sheet which forms a pocket between said top layer and the top sheet. In this manner, closed pockets are formed rather than open basins as described in the reference.

In view of the foregoing amendment and remarks, a favorable action is requested on the claims now in this application.

The entry of this amendment is requested for the purpose of an appeal.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James W. Badie', is written over a horizontal line.

James W. Badie, Reg. No. 20,968
Attorney for Applicants
Stoll, Miskin, Hoffman & Badie
The Empire State Building
350 Fifth Avenue, Suite 6110
New York, New York 10118
Telephone: (212) 244-5632